

**FRANKLIN COUNTY COMMISSIONERS MEETING  
MEMORANDUM & MINUTES  
MAY 19, 2008 @ 9:00 A.M.**

Those Present:	County Commissioners:	Thomas E Wilson	Eric E Roberts	Donald M VonderMeulen
	County Auditor:	Susan A Jones		
	Commissioners Secretary:	Carol Westerman		

Tom Wilson opened the meeting in the 2<sup>nd</sup> Floor Commissioners Public Meeting Room with the Pledge of Allegiance.

**REQUEST OF  
INFORMATION  
BY HARRY GRAVES**

Tom Wilson presented to Harry Graves information that he had requested on May 8, 2008 copies of Board Appointments. Mr. Graves requested that this information be certified and he accepted the copies for a charge of \$8.30.

**WEEKLY  
REPORT**

Susan Jones, Auditor reported that the DLGF will be conducting a Public Hearings on May 29<sup>th</sup> to do with the Budget Process in setting the Tax Rates for 2008. Rebecca Oglesby, Treasurer reported we are looking at an August tax collection deadline for the 1<sup>st</sup> installment of taxes in 2008.

**ORDINANCE 2008-10  
ARNOLD WERNER  
RE-ZONE RESIDENTIAL -1 to  
GENERAL BUSINESS**

Larry Franzman, Area Plan Director presented a Re-Zone for Arnold Werner who owns property along SR 229 the Old Drive-In Theater Property. Mr. Werner is wanting the property re-zoned from Residential 1 to General Business. The Area Plan Commission gave a favorable recommendation on May 14<sup>th</sup>. If approved, Mr. Werner will be filing for a Special Exception and will have a development plan available at that time. Plans are to build a Professional Medical Building toward the front of the lot and Small Storage Units at the rear of the property. This property has not been annexed by City of Batesville; there is no sewer service at this time. Stanly Monroe has concerns with contaminants of water in that area. There is a drainage issue there and this would be looked at and put in the development plan.

Tom Wilson made motion to pass Ordinance 2008-10, the Old Drive-In Property located on SR 229 from Residential 1 to General Business. Don VonderMeulen seconded the motion. Eric Roberts, All in Favor. Motion carried.

**ORDINANCE 2008-11  
BLOOMING GROVE  
PROPERTY RE-ZONE  
RESIDENTIAL -1 to  
SECONDARY AGRICULTURE**

Larry Franzman, Area Plan Director also presented a Re-Zone for Property Owners in Blooming Grove Township along State Road 1. Application was made by Fred Suhre, Greg Pflum, Edward Ball, Charles Kuehn, Myron Helms and David Lanning to amend the zoning classification from present Residential-1 to Secondary Agriculture. The Area Plan Commission gave a favorable recommendation on May 14<sup>th</sup>. Several years ago a Blanket Notice was passed for property on Reservoir Road for Recreational; the described property was not to be included.

Don VonderMeulen made motion to accept Ordinance 2008-11, to put this property back to Secondary Agriculture. Tom Wilson seconds the motion. Eric Roberts abstained. Motion carried.

**ORDINANCE 2008-12 to  
OF THE SCRIVENER  
CONCERNING ORDINANCE  
NUMBERS FOR ZONING  
CODE AMENDMENTS**

Tom Wilson reads Ordinance 2008-12. This Ordinance is to correct an error of the scrivener concerning the ordinance number referenced in the current Franklin County Area Zoning Code amendments, Subdivision Control Code amendments, and Building Code amendments. This ordinance number referenced was 1995-17, but it should have been 1989-2 for the zoning code, 1987-4 for the Subdivision Control Code and 1989-4 for the Building Code. This change impacts the following ordinances recorded in the Franklin County Recorder's Office.

1997-11 – Subdivision Control Code, Chapter 81; Section 81.07: Standards of Improvements (B) Streets, (2), (a) Cul-de-sacs.  
1997-12 – Subdivision Control Code, Chapter 81; Section 81.08: Plat Certificates and Deed of Dedication, (F) Deed of Dedication, paragraph #3.  
1997-13 – Subdivision Control Code, Chapter 81; Section 81.07 Standards of Improvements, (B) Streets, paragraph #3.  
1997-14 – Subdivision Control Code, Chapter 81; Section 81.07; Standards of Improvements, (B) Streets, (3), Figure for pavement widths for residential streets  
1997-15 – Subdivision Control Code, Chapter 81; Section 81.07 Standards of Improvements, (B) Streets,(2)  
1998-3 – Subdivision Control Code, Chapter 81; Section 81.03 Definitions; (27) Subdivision, (4), (g)  
1998-19 – Subdivision Control Code, Chapter 81, Section 81.99 Penalty  
1998-20 – Building Code, Chapter 90, Section 90.99 Penalty  
1998-21 – Area Zoning Code, Chapter 80, Section 80.99, Remedies and Penalties; (C) Penalty  
1999-3 – Area Zoning Code, Chapter 80, Section 80.20 Flood Plain District  
1999-10 – Subdivision Control Code, Chapter 81, Section 81.03; Definitions, (27) Subdivision (d)  
1999-14 – Building Code, Chapter 90, Section 90.11, Forms and Fees, (D) Under Inspection Fee Rate Schedule  
1999-15 – Area Zoning Code, Chapter 80; Section 80.48 Filing Fees and Forms, (D) Fees for Amendments, Appeals and Requests, (6) Temporary uses: (7) Contingent Uses: (2) Amendments: Change of Zone Classification or Change of Text; (5) Special Exception: (4) Unit Development, A. Preliminary Unit Development Plan (B) Improvements Location Permit fee: and (C) Certificate of Occupancy Fee; also Chapter 80, Section 80.48 (E) Fees and Fines Must Be Paid, (a) First Offense: and (b) Second Offense;

1999-16 – Subdivision Control Code, Chapter 81, Section 81.04, Procedure; (B) Fee Required; and Section 81.03 Definitions, (27) Subdivision, (e), (4), (f)  
1999-18 – Area Zoning Code, Chapter 80, Section 80.48 Filing Fees and Forms (D) Fees for Amendments, Appeals and requests: (1) Variance; and Chapter 80, Section 80.40 Administration, (L) Change Of Use  
2001-10 – Area Zoning Code, Chapter 80, Section 80.47 Definitions; (159 ¾) Trucking Terminal  
2005-8 – Area Zoning Code, Chapter 80, Section 80.27 Yard Exceptions, (J) Storage; and Chapter 80, Section 80.47 Definitions; (140 ½) Shipping Container  
2005-12 – Area Zoning Code, Chapter 80, Section 80.20, Flood Plain District, 24 pages  
2005-20 – Area Zoning Code, Chapter 80, Section 80.48 Filing Fees and Forms, (B) Improvement Location Permit; (C) Certificate of Occupancy: and (D) Fees for Amendments, Appeals and Requests, (6) Temporary Uses: and (D) Fees for Amendments, Appeals and Requests, (1) Variance  
2005-21 – Area Zoning Code, Chapter 80; Section 80.40 Administration; (L) Change of Use  
2004-23 – Building Code, Chapter 90; Section 90.11, (D) Fees and Forms (D) under Inspection Fee Rate Schedule  
2007-20 – Area Zoning Code, Chapter 80, Section 80.25 Special Exceptions, (E) Special Exceptions and districts where they may be permitted

Tom Wilson made motion that we do pass Ordinance 2008-12 to correct an error of the scrivener concerning the ordinance numbers. Don VonderMeulen seconds Tom’s motion. Eric Roberts, All in Favor. Motion carried.

HIGHWAY ENGINEER  
WEEKLY REPORT

RAILFENCE ROAD BRIDGE 110 & 111 – George Hartman, Highway Engineer reported that it had been decided at the last meeting that the Commissioners would complete their consultant selection rating forms individually and have them available today. There will be a total of 35 rating forms, since there are five members on the selection committee and there are seven consultants. When all forms are completed and signed they will then be sent to Bob Winslow of INDOT to review and submit to INDOT’s Central Office for final review.

MID ROAD BRIDGE 71 – George reported that the Railroad Tank Shell Cars have been delivered to the project site last week.

BLUE CREEK BRIDGE 94 – Joe Gillespie, County Surveyor reported his is filling out quarterly report for the Blue Creek Bridge 94, Bridge Replacement and is needing an estimate date for right-of-way. John Graf had asked that Joe contact property owners in regards to the well in question on the right-of-way. The well sets up high enough, that a guard rail will need to be installed. There is concern from the property owner that surface water would run into the well. They want the project shifted away from their property and would like to meet with officials to discuss. Joe set up a meeting for May 28<sup>th</sup> with the property owners and John Graf of Howard J Barth & Associates.

ENOCHSBURG COVERED BRIDGE 102 – Joe is also needing a date for Right-of-Way for the Quarterly Report on the Snow Hill Covered Bridge Rehabilitation Project. It was discussed and Joe will put September 1, 2008.

PIPE CREEK BRIDGE 48 – Kevin Loiselle of Clark Dietz a/k/a Farrar, Garvey & Associates presented to the Commissioners a Design Exception Request Form that is needing to be signed by the Board of Commissioners. Listed on the report is the existing bridge railing does not meet the current design standards and is to remain in place and be augmented by structural tubing. Also the Horizontal Stopping Sight Distance does not meet the current design standards.

Also mentioned that there is severe stream scouring and plans are to install a gabion wall. Also the Section 106 was submitted two weeks ago. Once this is approved, then there is a 30 day advertisement for comments, after that is the environmental review. Looking to have Memorandum of Agreement by the end of June.

Don VonderMeulen made motion to sign the Design Exception Request Form. Eric Roberts seconds the motion. Tom Wilson, All in Favor. Motion carried.

HARRY  
GRAVES

Harry Graves mentioned that he was here last week in regards to the Interlocal Agreement. Asked question. Was Interlocal Agreement, was it presented May 5<sup>th</sup>. Answer. Yes, it was presented, but signature page was changed page 2. His question was Eric Roberts made motion to sign. Don VonderMeulen seconded. Was not called for vote. Agreement was not signed that day. The original signature page only had space for one signature.

Harry asked if Board was appointed – the Economic Development Board. Who will be deeded the property. Harry states IC Code for Appointments.

ECONOMIC  
DEVEOPMENT  
BOARD CONCERNS

Brian Bauman presented IC 36-7-12 regarding the Economic Development Board Appointments and questioning the legality of the Board. According to the Indiana Code – (3) Members are to be appointed, one from the Town of Brookville, one from the County Council and one member by the Board of Commissioners. There needs to be (7) members at all times, there have only been (5), they cannot vote with only (5) members. In 1997 and 1984 it was done right, but not since then. Presented Resolution 1984-1, states how the Franklin County Economic Development Board runs the Board, as stated in State Law. This Board is not a private organization. The Articles of Incorporation were reinstated in 2006, at that time the board should have been reappointed. The Appointments are by the Board of Commissioners, need to take Oath of Office and are to be bonded. Minutes and Documents from their meeting need to be readily available to the public. Tom Wilson recommends that Gene Stewart, County Attorney look at the appointments and made recommendation. Harry Graves is asking the Board of Commissioners to rescind their motion. Eric Roberts said the first thing that needs to be done is to set up an Executive Session with Judd McMillin, Rene Stivers & other members. John Estridge stated that this does not fall under the criteria of an Executive Session.

Don VonderMeulen made motion to give paper work submitted by Brian Bauman to Gene Stewart to review and make recommendation. Tom Wilson seconds the motion. Eric Roberts, All in Favor. Motion carried.

COURTHOUSE  
WEEKLY REPORT

Eric Roberts reported that on Wednesday, May 21<sup>st</sup> at 10:00 A.M. he, along with Derry Condon and Bill Gutzwiller will be going over the punch list for the Courthouse Project. They are in the process of balancing the HVAC System and are circulating water in the coolant lines for the air conditioning. Reliable Electric is installing some lighting. Eric reported he had signed off on the elevator last week; we are now waiting for the state inspection.

- EPA LAWSUITTom Wilson reported that the 1<sup>st</sup> Payment of \$100,000.00 is due in early July of the \$350,000.00 owed. Waiting on the Department of Justice to set the schedule for the balance owed.
- MINUTESTom Wilson made the motion to approve the minutes of May 5, 2008 and May 12, 2008. Eric Roberts seconds the motion. Don VonderMeulen, All in Favor. Motion carried.
- PAYROLLTom Wilson made the motion to approve the payroll claims. Don VonderMeulen seconds the motion. Eric Roberts, All in Favor. Motion carried.
- AJOURNTom Wilson makes motion to adjourn. Don VonderMeulen seconds the motion. Eric Roberts, All in Favor. Motion carried.

Others Present:

John Estridge  
Larry Franzman  
Kevin Loiselle  
Scott McDonough

Jeff French  
Joe Gillespie  
George Hartman  
Harry Graves

Arnold Werner  
Becky Oglesby  
Seth T Whitecotton

Steve Roemer  
Jerry Harnishger  
Jeff Jones

Stanley Monroe  
Brian Bauman  
Roy Hall

AYE

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Thomas E Wilson

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Eric E Roberts

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Donald M VonderMeulen

ATTEST: \_\_\_\_\_  
Susan A Jones, Franklin County Auditor

NAY

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Thomas E Wilson

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Eric E Roberts

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Donald M VonderMeulen